Supreme Court, U. S.
FILED
DEC 27 1979
MICHAEL RODAK, JR., CLERK

79-1541

IN THE SUPREME COURT

OF THE UNITED STATES

October Term, 1979

MICHAEL S. ROSS,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

On Petition For

Writ Of Certiorari

To The United States Court Of Claims

Michael S. Ross
2879 Rutgers Avenue
Long Beach, CA 90815
TEL: (213) 425-5223

Attorney For Plaintiff

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BEST COPY AVAILABLE

MICHAEL S. ROSS
2879 Rutgers Avenue
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TEL: (213) 425-5223
In Properia Persona

IN THE SUPREME COURT OF THE UNITED STATES

MICHAEL S. ROSS, Plaintiff,	)	CIVIL NUMBER
vs.	)	UNITED STATES COURT OF CLAIMS
THE UNITED STATES OF AMERICA,	)	NUMBER 55-79
JOHN HUBBARD CHAFFEE, Secretary Of the Navy,	)	
DR. ROBERT H. SEAMANS, Secretary Of the Air Force,	)	
J. J. HOLST, CDR, USNR-R,	)	
Defendants.	)	

Petitioner, Michael S. Ross, respectfully

prays for a writ of certiorari to the United States Court Of Claims to review an order of that Court on original reference, entered on June 9, 1979 and a petition for rehearing therein filed on July 8, 1979 and denied on October 15, 1979 dismissing plaintiff's complaint for reinstatement and recovery of his commissioned Naval Reserve service and promotion to Captain and in excess of $130,000.00 in remuneration therefor.

SUMMARY OF LOWER COURT OPINIONS

Appellant's motion for summary judgment against the United States Navy, Secretary Of the Navy, John M. Chafee and subsequent Secretaries Of the Navy to secure the proceeds of his prepared and sacrificed for Naval Reserve secondary career and service remuneration for forty (40)-years of service in regularly promoted commissioned ranks was

denied and his complaint dismissed, for barr by the statute of limitations on June 9, 1979. Petition for rehearing thereon was filed July 8, 1979 and likewide denied on September, 1979.

JURISDICTION TO REVIEW

The judgment of the United States Court Of Claims was entered on June 9, 1979, but a ruling on the petition for rehearing was not obtained until October 15, 1979. The former verdict appears as Appendix A, p. 11, the latter Appendix B, p. 12. This petitionefor certiorari was filed less than ninety (90) days from the aforesaid date. The within action is fundamentally rooted in the mandamus statute of U. S. C., Title 28, Section 1361. It is, moreover, the application of this statute to the preservation of status as a Naval Officer and retention of the reserve

service compensation incubent therewith. Jurisdiction is also premised upon Federal Question Jurisdiction, U. S. C., Title 28, Section 1331 and the Administrative Procedure Act, U. S. C., Title 28, Section 701 et. seq. The jurisdiction of this Court is invoked under U. S. C., Title 28, Section 1651 (a).

QUESTIONS PRESENTED

1. Whether military officers can, after military officer status removal by the whim and cover up of a commanding officer, be under military record correction actions restricted to only the strictly statutorily allowable recovery of compensation only for the foreshortened service without the possibility of promotion for lack of promotion boards when the promotion probability for nuclear power officers through all levels exceeds 85%

and said commanding officer, Commander Jerry J. Holst receives promotion board consideration and is promoted during the interim?

2. Whether only because of the refusal of the military and legal community to convene an adjudication of a military officer's fitness and compliances with legal requirements of such position through repeatedly demanded during the interim by said military officer, said military officer can be denied the proceeds of regular promotioned reserve service?

3. Why should it make any difference, if the Court Of Claims is required to dismiss an action in any event whether it dismisses such action on the basis of barr by the statute of limitations or barr by the action not seeking in excess of the $10,000.00 limitation imposed upon the United States District Courts under U. S. C., Title 28, Section 1346

Section 1346 (b) for actions against the federal government not sounding in tort, on the jurisdiction of the District Courts to render a declaratory judgment between the same parties on the same cause of action.

CONSTITUTIONAL PROVISIONS INVOLVED

Constituion Of the United States, Amendment V.

"No person ahll . . . be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law."

Statutes Of the United States,

U. S. C., Title 28, Section 1361.

"The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff."

U. S. C., Title 5, Section 702.

"A person suffering legal wrong because

of agency action, or adversely affected or agrieved by agency action within the meaning of a relevant statute, is entitled to judicial review."

STATEMENT OF THE CASE

Plaintiff's Reserve Officer Candidate commissioned Naval Service career was usurped by the admonition of one Commander Jerry J. Holst, EXHIBIT 1, p. 12, on February 14, 1965. The unlawful exclusion of plaintiff from arduously prepared for secondary career Naval Reserve commissioned service was rendered conclusive and complete by one Lieutenant Commander Mary L. Brown, representative of the Commandant Of the Twelfth Naval District's Office in February, 1966 denying plaintiff the opportunity of even applying for Naval Officer Candidate School admission.

REASONS FOR GRANTING WRIT

At every turn along the passage through NRSD 12-26, Treasure Island, California and the

innumerable exchanges with the Veterans Administration, plaintiff professed the continuous and perpetrual failure of NRSD 12-26 members to adhere to the law. If plaintiff was to be believed, under the contract of obligation, this relieved plaintiff of all performance thereunder, Appdendix B, p. 13.

Even if he was not to be immediately and automatically believed, he was entitled to a trial to ascertain the veracity thereof, Fifth Amendment, United States Constitution and could not be removed or demoted from Naval commissioning for reporting the inefficacies of NRSD 12-26 to higher authorities or reacting to such criminal and unlawful action, Edwards v. Habib, 397 F. 2d. 687, 699, D. C. 366 F. 2d. 628, 631, (1968).

In any event, under ROC (Reserve Officer Candidate) program directives, then in force, plaintiff was, as a ROCONE, entitled to complete release from all Naval Reserve drill performance and attendance, ROC directive IV. C., Appendix C, p. 14.

Moreover, there is no magical reason and, if at all, only criminal reasons for usurping plaintiff's invaluable study time in excess of thirty (30) to forty (40) hours of a 200 hour per month total or up to, at least, a twenty (20) per cent loss, the difference between a barely passing, or non-passing, and a scholastic chemical engineer at California, worth $500,000.00 over a forty (40) year lifetime career.

Nor is there any cogent reason for supporting the rights of any one military personnel over any other, particularly, superiors over subordinates. For superiors have possibly the whole unit relying upon their performance, but the subordinate at the lower levels is responsible only for himself and his own achievement. Even more resoundly and rigorously is this the case when, as in the instant case, the superiors are acting without, outside and in contraventions to any of the authority they so righteously profess to inherently exercise.

Training in electronic technicianry was for members of the Reserve Officer Candidate Corps. for all intensive purposes no more than icing on

on the cake. Even officer committment was only to secure a six (6) months and $5,000.00 to $6,000.00 advantage on those who waited until college graduation for their Officer Candidate School training and subsequent service.

Attendance at NRSD 12-26 was important, it seems, not to the Navy, not to the Chief Of Naval Personnel, and certainly not to the American public, but only to officer members of NRSD 12-26 and the Commandanat Of the Twelfth Naval District. The only reason for their worry, one must conclude, is a sense of ego and guilt, fearing that they might be found out of their criminal and failing performances and removed, demoted, or even not promoted from their incumbent posts.

This is just another attempt by Commander Jerry J. Holst to wangle another $100,000.00 out of plaintiff.

Nor is there any reason for plaintiff to necessarily become part of the Naval Reserve to avaid being drafted or becoming a Naval Officer. A perpetual occupational deferment was automatically

available, and innumerably pro-offered, at any time from the petroleum industry and plaintiff could always be received into the Naval Reserve commissioning program through Officer Candidate School after graduation.

Plaintiff and prosecutor, Michael S. Ross's intial complaint 72-415-RJK, formulated after two years of arduous, but unnecessary legal study, a criminal conviction by a criminal attorney for extortion of the truth from a criminal fraud and one year in unemployed legal research sought, based upon the same cause of action and set of laws as herein enforced, a declaratory judgment advancing plaintiff to electronics technician third calss in September, 1963 and electronic technician second class in September, 1965 and completion of the ROC (Reserve Officer Candidate) program between July and August, 1965 and alternatively either $20,000.00 for three years of officer active duty service between January, 1966 and January, 1969, or $7,000.00 for two years of

active enlisted electronic technician second and first cläss service between January, 1966 and January, 1968. Plaintiff's compensation legitimately earned in civilian employment in the course of the same years from January, 1966 through January, 1969 was obviously (see income tax EXHIBITS D and E, p. 15-16), $1,959 in 1966, $7042.00 in 1967 and $11,857.00 in 1968 was more than $500 more than the $20,000.00 sought by this action. Therefore, since the amount of alternative civilian income is inescapably, absolutely and automatically deducatable from any recovery, Malty v. U. S., 360 F. 2d. 643, 175 Ct. Cl. 862, (1966):

> "Where an Army Captain who had been wrongfully removed from service, sued the United States for lost military pay, the right of the United States to have his recovery reduced by the amount of his civilian earnings was "mitigation of damages," and not a "setoff" and therefore the United States was not bound to plead

in its answer that recovery should be reduced by the amount of civilian earnings." How could a referral of the suit to the Court Of Claims possibly accomplish any effect but a determination that there is no possibility of recovery in excess of the $10,000.00 limitation of District Court suits of this type, since no recovery whatsoever could possibly be had because the civilian income earned exceeded the amount which could be garnered in the Naval service in this time.

Plaintiff sued idiot Dr. Norman L. Carden for $500,000.00 and threatened him if he did not admit his fraudulent lies on plaintiff's military record. Obviously, plaintiff's intent and determination was and must have been the eradication of Commander Jerry J. Holst's and Dr. Norman L. Carden's stigmas and criminal actions from plaintiff's military record.

The United States District Court is the only authority with jurisdiction to correct military service records within the time frame of six (6)

years from January, 1966 within which the statute of limitations continued to run and, at least, until the Court Of Claims was granted declaratory judgment jurisdiction on August 24, 1972.

Plaintiff could equally as well have sued in a timely fashion in the Court Of Claims as well as in the United States District Court but found it too expensive and unworthwhile in his depressed economic state.

CONCLUSION

Consequently, in view of all of the foregoing it is respectfully submitted that from the outset of plaintiff's selection for and instatement in the ROC (Reserve Officer Candidate) program by the Commanding officer of NRSD 11-3 and a board of officers inquiry convened for that purpose thereat he was entitled to be promoted to whatever level of responsibility he could legitimately obtain and that that level by the overwhelming preponderance of probability was that of Captain and, thus plaintiff is entitled to judgment of recovery of the amount prayed for

in his complaint and a writ of certiorari to the United States Court Of Claims to achieve this effect.

Respectfully submitted,

Michael S. Ross

MICHAEL S. ROSS

2879 Rutgers Avenue
Long Beach, CA 90815

TEL: (213) 425-5223

IN THE UNITED STATES COURT OF CLAIMS

"APPENDIX A"

No. 55-79 6-8-79

MICHAEL S. ROSS,)
) Military pay; statute
v.) of limitations; effect
) of Correction Board
THE UNITED STATES) action
)

Michael S. Ross, Pro se.

LeRoy Southmayd, Jr., with whom was Assistant Attorney General Barbara Allen Babcock, for defendant.

Before DAVIS, Judge, Presiding, KASHIWA and KUNZIG, Judges.

ORDER

This pro se military pay case comes before the court on defendant's motion to dismiss. Defendant contends that the statute of limitations has run on this cause of action and that the action is therefore barred under 28 U. S. C., Section 2501. We agree.

Plaintiff apparently claims that he was illegally discharged from the United States Naval Reserves on February 25, 1972, although his petition does not clearly state the circumstances of that discharge. HHe seeks back pay from that date to the present as well as future pay until the year 2000 and retirement pay after that time. He also asks for a declaratory judgment to correct his military records to provide for promotions from Lieutent (jg) through Captain, the latter to be effective in January, 1990.

It is beyond question that, in military discharges cases, the cause of action accrues immediately upon the serviceman's removal. Ramsey v. United States, 215 Ct. Cl. 1042 (Feb. 3, 1978); Kirby v. United States, 201 Ct. Cl. 527, 531 (1973), cert. denied, 417 U. S. 919 (1974). Plaintiff's alleged claim thus accrued on February 25, 1972; his petition was not filed in this court until February 15, 1979, after more than six years had elapsed. Although plaintiff's applications before the Board For Correction Of Naval Records was denied on August 31, 1973, such an action by a correction board does not affect the funning of the court's statutory limitations period. Ellzey v. United States, Ct. Cl. No. 223-78 (Jan. 19, 1979). Plaintiff's alleged claim is thus barred by the statue of limitations, 28 U. S. C., Section 2501.

IT IS THEREFORE ORDERED, after considering the briefs and without oral argument, that defendant's motion to dismiss is granted. The petition is dismissed.

BY THE COURT

Oscar H. Davis

Judge, Presiding

Opinion of Court of Claims

APPENDIX "B"

IN THE UNITED STATES COURT OF CLAIMS

No. 55-79

MICHAEL S. ROSS,

Appellant

v.

UNITED STATES OF AMERICA.

Before DAVIS, Judge, Presiding,
KASHIWA and KUNZIG, Judges

OPINION OF THE COURT

(Filed SEP 28 1979)

This case comes before the court on plaintiff's motion entitled "petition for rehearing," filed July 6, 1979, for hearing pursuant to Rule 151(b) with reference to the order enterd herein on June 8, 1979, dismissing plaintiff's petition. Upon consideration thereof, together with the response opposition thereto, without oral

argument,

IT IS ORDERED that plaintiff's said motion for rehearing is denied.

BY THE COURT

Oscar H. Davis
Judge, Presiding

7. TERM OF ENLISTMENT		8. DEPENDENCY ABBREV.	9. NAME OF ACTIVITY EFFECTING ENLISTMENT
06 YEARS	☐ MINORITY	NONE/NONE	USNRTC LONG BEACH

12. ENLISTED/REENLISTED IN U. S. NAVY			13. ENLISTED AT (City and State or Country)
☒ FIRST ENLISTMENT	☐ REEN-LISTMENT	☐ INDUCTION	LOS ALAMITOS, CALIFORNIA

15. ACTIVE/INACTIVE STATUS (USNR only)			16. ACCEPTED AT (City and State or Country)	17. NO. OF ENL
☐ RETAINED ON ACDU	☐ IMMEDIATE ACDU (Within 24 Hrs.)	☒ INACTIVE DUTY	LOS ALAMITOS, CALIFORNIA	1

19. M.O.D.	20. GCT (Reen. only)	21. RELIGION	22. PLACE OF BIRTH (City)	State or Country
B	NA	PROT	LONG BEACH	CALIF

24. PHYSICAL PROFILE	25. AREA/STATION/ SUBSTA CODE	26. SOCIAL SECURITY NO.	27. TRANSFERRED TO (Activity and Location)	28. ACTIVITY CO
1A	NA	560-60-5848	NR SURF DIV. 11-3(L)	NA

30. CITIZENSHIP			31. BRANCH OF SERVICE FROM WHICH LAST DISCHARGED	32.
☒ U. S.	☐ NATURALIZED U. S.	☐ OTHER* (Specify) _____	NA	

34. PRIOR NET SERVICE FOR PAY PURPOSES			35. TYPE OF LAST DISCHARGE	36.
00 YEARS	00 MONTHS	00 DAYS	NA	

38. ENTITLED TO REENLISTMENT BONUS		39. SELECTIVE SERVICE NUMBER	40. SELECTIVE SERVICE LOCAL BOARD (Board Number, City and State)
☐ YES	☒ NO.	4-125-42-1389	#125, LONG BEACH, CALIFORNIA

42. COMPLEXION	43. COLOR OF HAIR	44. COLOR OF EYES	45. HOME ADDRESS AT TIME OF ENLISTMENT (City & County)	State or Country
RUDDY	BROWN	BROWN	LONG BEACH, LOS ANGELES	CALIF

47. HEIGHT	48. WEIGHT	49. RACE	50. QUOTA CONTROL CODE	51.
69"	161	CAU	NA	

NT:ls ¼" upper lip;cs penis;ls ½" left patella
CST: ls ½" rt. ear; VSULA BLOOD TYPE

at a physical examination has been conducted according to current regulations, and that the above named an examining physician to be physically qualified for enlistment.

R. H. HALL, CDR, MC, USNR-R, Certifying Offi

nsideration of the pay or wages due to the ratings which may from time to time be assigned me during the

rvice, I agree to and with A. A. MAZUR, CDR, USN of the United States Navy, as follows:
(Name of Enlisting Officer)

the service of the Navy of the United States and to report to such station or vessel of the Navy as I may be to the utmost of my power and ability discharge my several services or duties and be in everything conformable to the several requirements and lawful commands of the officers who may be placed over me.

e and subject myself to serve 06 Years from 10 MAY (Date) 1961 (Year) unless sooner discha
during minority until _____ (Date) _____ (Year)

ty, and on the conditions provided by Section 5540 of Title 10 of the U. S. Code, as printed on the reverse sic

f a National emergency declared by the President or in the event of war during my term of service in the Re
vent of a National emergency declared by the Congress or in the event of war during my term of service in
oblige and subject myself to serve until six months after the end of the war or National emergency if so requ
of the Navy unless I voluntarily reenlist or extend my enlistment. I understand that when so retained the a
er pay as specified in Section 5540 of Title 10 of the U. S. Code is not applicable in time of war.
myself, during such service, to comply with and be subject to such laws as have been, or may hereafter be ena
f the United States, and to regulations issued pursuant thereto, and to submit to treatment for the preventi
(typhoid prophylaxis), and to such other preventive measures as may be considered necessary by naval author
the legal age to enlist; I have never deserted from and I am not a member of the Armed Forces of the U
Coast Guard or any reserve component thereof; I have never been discharged from the United States Servi
ccount of disability or through sentence of either civilian or military court; and I have never been discharged
or military, except with good character and for the reasons given by me to the recruiting officer prior to enlistm
rstand that upon enlistment in a Reserve component of the United States Navy, or upon transfer or assignm
f war or national emergency declared by the Congress, or when otherwise authorized by law, I may be ordere
e duration of the war or National emergency and for six months thereafter.
tand that if I become a candidate for the Naval Academy and fail to pass the entrance examination, I wil
ral service.
had this contract fully explained to me, I understand it, and certify that no promise of any kind has been made t
ent to duty, or promotion during my enlistment.

of Allegiance: I, MICHAEL STANLEY ROSS
r (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve
nfully against all their enemies whomsoever; and that I will obey the orders of the President of the United S
the officers appointed over me, according to regulations and the Uniform Code of Military Justice.
ther swear (or affirm) that all statements made by me as now given in this record are correct.

NATURE IN OWN HANDWRITING SURNAME TO RIGHT Michael Stanley Ross

Subscribed and sworn to before me this 10th day of May 18, A. D. 1961

above, substantiated.

ANK A. A. MAZUR, CDR, USN OFFICIAL TITLE CO USNRTC LBEACH CALIF

18 month operating cycles

This table represents typically plann

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR
SSN	POM	DEPLOYED 65% Underway .35% In Port						LEAVE & UPKEEP		LOCAL OPS 35% Out 65% In Home Port		LEAVE & UPKEEP		LOCAL OPS Including MK 48 Cert, WSAT, ORSE 65% In Home Po 35% Away		
SSBN (One Crew)	UP-KEEP *	PATROL **		R & R	TRAINING		UP-KEEP *	PATROL		R & R	TRAINING		UP-KEEP *	PATROL **		R & R
CVN/ CGN (NUCLEAR)	POM	DEPLOYED						LEAVE & UPKEEP		LOCAL OPS 30% Out Of Home Port 70% In Home Port		LEAVE & UPKEEP		LOCAL OPS Including Weapons NTPI, ORSE FLT EX 60% In Home Po 40% Away		
CG/ DDG/DD (CONVEN-TIONAL)	POM	DEPLOYED						LEAVE & UPKEEP		LOCAL OPS 30% Out Of Home Port 70% In Home Port		LEAVE & UPKEEP		LOCAL OPS Including Weapons NTPI, PEB, FLT EX 60% In Home Po 40% Away		

*At deployed site **Every other patrol engages in type training, service and port visit.

nuclear officer promotions

Nuclear-trained officers have recently experienced a significantly higher promotion opportunity than other unrestricted line officers.

	NUCLEAR OFFICERS	CONVENTIONAL OFFICERS	AVIATION OFFICERS	URL OFFICERS
TO CAPTAIN				
1976	93.8%	47.0%	46.5%	49.3%
1977	85.7%	47.6%	48.2%	50.1%
1978	85.7%	43.8%	50.0%	48.5%
TO COMMANDER				
1976	88.8%	63.0%	63.4%	65.1%
1977	94.2%	57.3%	68.1%	63.4%
1978	91.7%	62.1%	63.3%	64.3%
TO LIEUTENANT COMMANDER				
1976	89.7%	71.9%	58.9%	64.9%
1977	95.3%	69.3%	67.1%	70.0%
1978	96.5%	82.0%	75.0%	78.8%

U. S. NAVAL AND MARINE CORPS RESERVE
TRAINING CENTER
BUILDING 2, TREASURE ISLAND
SAN FRANCISCO 30, CALIFORNIA

14 February 1965

From: Commanding Officer, N.R.S.D. 12-26(L)
To: Commandant, TWELFTH Naval District, Code 64F

Subj: ROSS, Michael Stanley, 546 36 26, SN, USMR R

1. After reviewing all of the recent correspondence covering subject named man and considering his border-line performance in this division, I have reached the unfortunate conclusion that he is not a qualified applicant for a commission in the Naval Service.

2. I have interviewed this man during this drill and find him to be confused and uncertain as to his personal goals and unsure of his desire to serve in the Navy at all. He is, in my opinion, immature and disorganized.

3. I recommend he be disenrolled from the ROC Program.

J. J. HOLST

a. [illegible] a field medical examination in accordance with the standards established for the Reserve Programs as set forth in Chapter 15 of the Manual of the Medical Department. Insure that the applicant's weight is in accordance with BUMED standards for officer candidates (rather than for enlisted personnel). SF's 88 and 93 shall be completed and forwarded to Headquarters, NAVCRUITCOM, Code 3141, together with the completed application file. A copy of the SF's 88 and 93 will be retained in the local enlisted Health Record.

b. The visual acuity standards are any degree of visual acuity correctable to 20/20 (100% BVE) provided there is no excessive refractive error. Applicants must have normal color perception.

c. All medical examinations scheduled by recruiting districts and/or reserve activities are subject to final review and approval by the Chief of the Bureau of Medicine and Surgery of the Department of the Navy, Washington, D.C.

IV-C-5. SPECIAL REQUIREMENTS.

a. DRILL. The guidelines for drill participation for ROC personnel effective 1 July 1972 will be as follows:

ROC CATEGORY	REQUIRED TO DRILL	DRILL NOT AUTHORIZED	MAY DRILL VOLUNTARILY
ROCTWO CADRE Mandatory driller	X		
Non-Mandatory driller			X
ROCs ENLISTED PRIOR TO 1 July 1972 (Under 2X6 Contract)			X
ROCs ENLISTED AFTER 1 July 19[illegible]		X	
ROCONE			X

b. [illegible]. ROCONEs will be issued officer type drill uniforms when they attend the initial phase of ROC training. ROCONE candidates who elect to drill will retain their uniforms and may drill while participating with a drilling [illegible]

SELECTIVE SERVICE SYSTEM

Local Board No. 125
Los Angeles County
740 E. 4th Street
Long Beach, Ca. 90802
(LOCAL BOARD STAMP)

April 9, 1975

IN REPLY, REFER TO

RE: Ross, Michael S.
DOB: OCT 27, 1942
SSSN: 4-125-42-1389

TO WHOM IT MAY CONCERN:

Mr. Ross was classified 1-D by the local board on November 8, 1963. He was reclassified to 1-A on October 12, 1965. His file was forwarded to the appeal board on October 27, 1965 and returned on November 29, 1965 with a classificat of 1-A by the appeal board. On March 11, 1966, Mr. Ross classified 1-C and on October 13, 1966 classified 1-Y by local board.

Mr. Ross was ordered to report for an Armed Forces Examin on November 15, 1965, which he failed to report. Mr. Ross was then ordered to report for Induction into the Armed F on January 25, 1966, which he failed to report. Mr. Ross enlisted into the Air Force on February 21, 1966 active d

This is furnished for your information.

S Cowie

Susan H. Cowie
Clerk

-361)	DATE REPORTED 10 MAY 65	SIGNATURE AND RANK G.Y. [illegible], LT, USNR R EXECUTIVE OFFICER
	SERVICE NO 546 35 26	BRANCH AND CLASS USNR R
S COMMAND	ACTIVITY TO WHICH REASSIGNED CO,U.S.NAVSTA,Bldg 218,Treasure Island,SFRAN,Calif.	
	SIGNATURE AND RANK G.Y. [illegible],LT,USNR-R	
	DATE REPORTED	SIGNATURE AND RANK
	SERVICE NO. 546 36 26	BRANCH AND CLASS USNR-R
S COMMAND	ACTIVITY TO WHICH TRANSFERRED Commandant Twelfth Naval District (Code 63k)	
	SIGNATURE AND RANK G.Y. MARTINER,LT,USNR-R, XO,By dir.of the C	
bal request		
SAN FRANCISCO (Records only)	DATE REPORTED 20 Feb 66	SIGNATURE AND RANK MARY L. BROWN, LTJG, USN By direction
23	SERVICE NO. 546 36 26	BRANCH AND CLASS USNR-R

U.S. Individual Income Tax Return

U.S. Treasury Department, Internal Revenue Service — for the year January 1–December 31, 1967, **1967**

or other taxable year beginning ....., 1967, ending ....., 19.....

(If joint return, use first names and middle initials of both)	Last name	Your social security number
EL S.	ROSS	560 00 3575
(Number and street or rural route) ROGERS AVENUE		Your occupation CHEM. ENGR.
(City, town, or post office, and State) ANGELS CALIFORNIA	ZIP code 95245	Spouse's social security number
If address used on your return for 1966 (if same as above, write "Same"). If none filed, give reason. If changing joint to separate returns, enter 1966 names and addresses. SAME		Spouse's occupation

Employer and address PACIFIC LIGHTING SERVICE & SUPPLY Co. 720 W. 8th St. Los Angeles, Calif. 90017

Employer and address, if joint return

FILING STATUS—check only one:

- ☐ Married filing joint return (even if only one had income)
- ☐ Married filing separately. If spouse is also filing a return, enter spouse's social security number in space provided above and full name here .....
- ☐ Unmarried Head of Household
- ☐ Widow(er) with dependent child

Your Exemptions

	Regular	65 or over	Blind	
2a Yourself . . .	☑	☐	☐	Enter number of boxes checked ► .....
2b Spouse . . .	☐	☐	☐	

3a First names of your dependent children who lived with you ..... Enter number ► .....

3b Number of other dependents (from page 2, Part I, line 3) .....

4 Total exemptions claimed . . . . . ► 1

5	Wages, salaries, tips, etc. If not shown on attached Forms W–2 attach explanation	10414	52
6	Other income (from page 2, Part II, line 8)	1628	16
7	Total (add lines 5 and 6)	12042	68
8	Adjustments to income (from page 2, Part III, line 5)	00	00
9	Total income (subtract line 8 from line 7)	12042	68
10	If you do not itemize deductions and line 9 is less than $5,000, find your tax from tables in instructions. Do not use lines 11a, b, c, or d. Enter tax on line 12.		
11a	If you itemize deductions, enter total from page 2, Part IV, line 17. If you do not itemize deductions, and line 9 is $5,000 or more enter the larger of: (1) 10 percent of line 9; OR (2) $200 ($100 if married and filing separate return) plus $100 for each exemption claimed on line 4, above. Deduction under (1) or (2) limited to $1,000 ($500 if married and filing separately).	1182	72
11b	Subtract line 11a from line 9	5860	27
11c	Multiply total number of exemptions on line 4, above, by $600	600	00
11d	Subtract line 11c from line 11b. Enter balance on this line. (Figure your tax on this amount by using tax rate schedule on page 11 of instructions.) Enter tax on line 12.	5260	27
12	Tax (from either Tax Table, see line 10, or Tax Rate Schedule, see lines 11a–11d)	1167	30
13	Total credits (from page 2, Part V, line 4)		
14a	Income tax (subtract line 13 from line 12)		
14b	Tax from recomputing prior year investment credit (attach statement)		
15	Self-employment tax (Schedule C–3 or F–1)		
16	Total tax (add lines 14a, 14b, and 15)		
17	Total Federal income tax withheld (attach Forms W–2)		
18	Excess F.I.C.A. tax withheld (two or more employers—see page 5 of instr.)	24	
19	☐ Nonhighway Federal gasoline tax—Form 4136, ☐ Reg. Inv.—Form 2439		
20	1967 Estimated tax payments (include 1966 overpayment allowed as a credit)		
21	Total (add lines 17, 18, 19, and 20)		
22	If payments (line 21) are less than tax (line 16), enter Balance Due. Pay in full with this return		
23	If payments (line 21) are larger than tax (line 16), enter Overpayment		

U.S. Individual Income Tax Return

U.S. Treasury Department, Internal Revenue Service — for the year January 1–December 31, 1968, or other taxable year beginning _____, 1968, ending _____, 19____

1968

Your social security number

Your occupation

Spouse's social security number

Spouse's occupation

...nd address used on your return for 1967 (if same as above, write "Same"). If none filed, give ...g from separate to joint or joint to separate returns, enter 1967 names and addresses.

...yer and address

...tus—check only one:

- ...ling joint return (even if only one had income)
- ...ling separately. If spouse is also filing a return, ...his) social security number in space provided above ...st name here _____
- ...d Head of Household
- ...widow(er) with dependent child

Your Exemptions

	Regular	65 or over	Blind	Enter number of boxes checked ▶
2a Yourself . . .	☒	☐	☐	1
2b Spouse . . .	☐	☐	☐	

3a First names of your dependent children *who lived with you* _____ — Enter number ▶

3b Number of other dependents (from page 2, Part I, line 3)

4 Total exemptions claimed . . . . . ▶ 1

Wages, salaries, tips, etc. If not shown on attached Forms W–2 attach explanation	5	11,[illegible]	26
Other income (from page 2, Part II, line 8)	6	[illegible]	[illegible]
Total (add lines 5 and 6)	7	11,2[illegible]	77
Adjustments to income (from page 2, Part III, line 5)	8	[illegible]	[illegible]
Total income ("adjusted gross income") (subtract line 8 from line 7)	9	[illegible]	[illegible]
If you do not itemize deductions and line 9 is under $5,000, find tax in tables on pages 12–14 of instructions. Omit lines 11a, b, c, or d. Enter tax on line 12a.	10		
If you itemize deductions, enter total from page 2, Part IV, line 17. If you do not itemize deductions, and line 9 is $5,000 or more enter the larger of: (1) 10 percent of line 9; OR (2) $200 ($100 if married and filing separate return) plus $100 for each exemption claimed on line 4, above. Deduction under (1) or (2) limited to $1,000 ($500 if married and filing separately).	11a	[illegible]	[illegible]
Subtract line 11a from line 9. Enter balance on this line	11b	[illegible]	[illegible]
Multiply total number of exemptions on line 4, above, by $600	11c	[illegible]	[illegible]
Subtract line 11c from line 11b. Enter balance on this line. (Figure your tax on this amount by using tax rate schedule on page 11 of instructions.) Enter tax on line 12a.	11d	10,[illegible]	71
Tax (Check if from: Tax Table ☐, Tax Rate Schedule ☒, Sch. D ☐, or Sch. G ☐)	12a	[illegible]	[illegible]
Tax surcharge. If line 12a is less than $734, find surcharge from tables on page 10 of instructions. If line 12a is $734 or more, multiply amount on line 12a by .075 and enter result. (If you claim retirement income credit, use Schedule B (Form 1040) to figure surcharge.)	12b	171	52
Total (add lines 12a and 12b)	12c	[illegible]	[illegible]
Total credits (from page 2, Part V, line 4)	13	[illegible]	[illegible]
Income tax (subtract line 13 from line 12c)	14a	[illegible]	[illegible]
Tax from recomputing prior year investment credit (attach statement)	14b		
Self-employment tax (Schedule C–3 or F–1)	15		
Total tax (add lines 14a, 14b, and 15)	16	[illegible]	[illegible]
Total Federal income tax withheld (attach Forms W–2)	17	2[illegible]	14
Excess F.I.C.A. tax withheld (two or more employers—see page 5 of instr.)	18	102	14
☐ Nonhighway Federal gasoline tax—Form 4136, ☐ Reg. Inv.—Form 2439	19		
1968 Estimated tax payments (include 1967 overpayment allowed as a credit)	20		
Total (add lines 17, 18, 19, and 20)	21	2,2[illegible]	14
If payments (line 21) are less than tax (line 16), enter Balance Due. Pay in full with this return	22	[illegible]	[illegible]
If payments (line 21) are larger than tax (line 16), enter Overpayment	23		
Amount of line 23 you wish credited to 1969 Estimated Tax	24		
Subtract line 24 from 23. Apply to: ☐ U.S. Savings Bonds, with excess refunded or ☐ Refund only	25		

Make check or money order payable to Internal Revenue Service.

...perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is ...mplete. If prepared by a person other than taxpayer, his declaration is based on all information of which he has any knowledge.

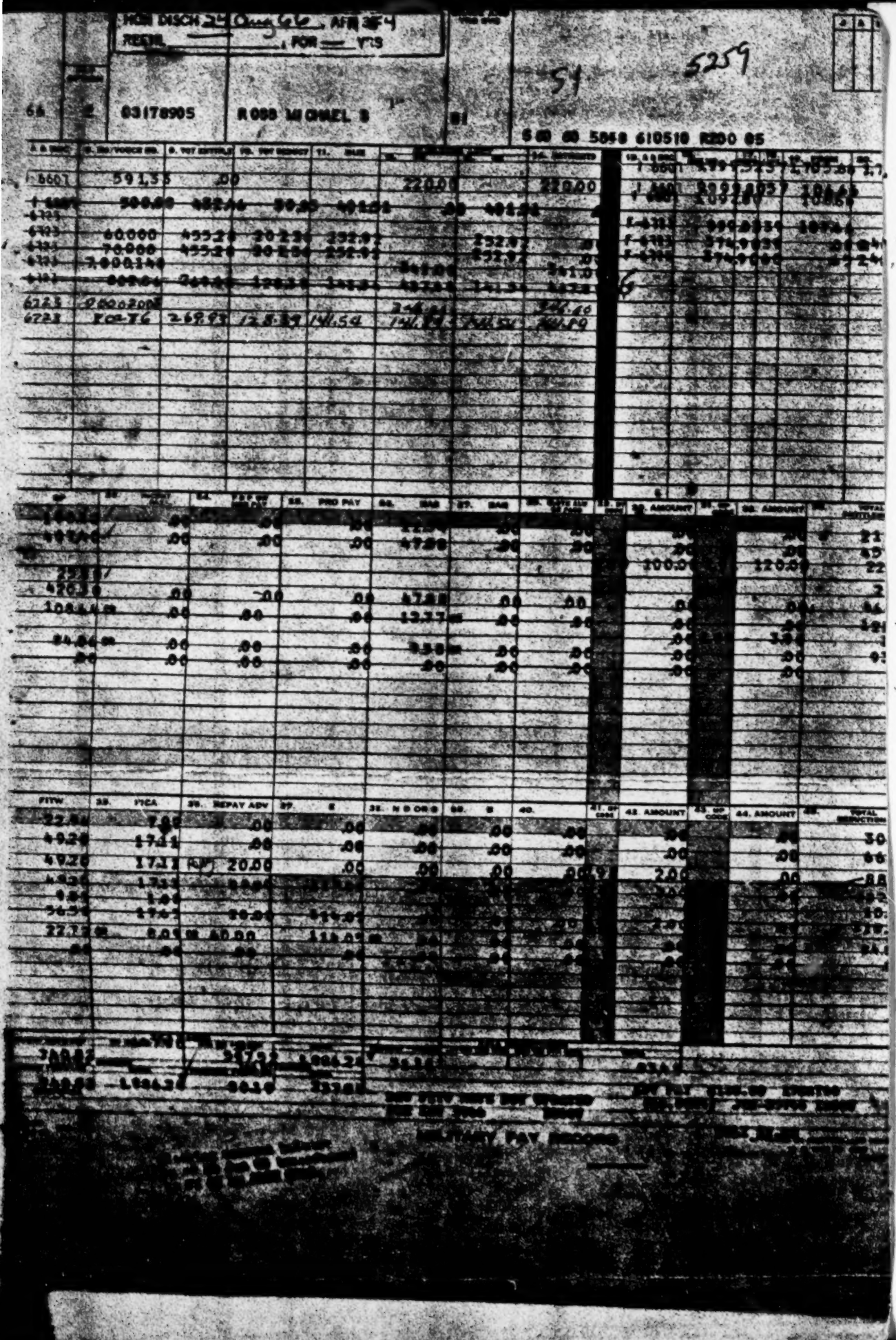
...r signature — Date

Michael D. Ross Cecil 4/69

...use's signature (If filing jointly, BOTH must sign even if only one had income)

Signature of preparer other than taxpayer — Date

Address



I, DALE C. WHITNEY, JR. an over eithteen years of age and not a prty to the within action. My business address is 2625 E. Third Street, Long Beach, California 90814

I certify, under penalty of perjury, hhat on hhe 21st day of November, 1979, I served the within, "PETITION FOR WRIT OF CERTIORARI," upon hhe Solicitor General of the United States in said action by placing two true copies hhereof enclosed in a sealed envelope wihh postage thereon fully prepaid in the United States mail box at Lakewood, California addressed as follows:

Erwin N. Griswold
Solicitor General of the United States
Department Of Justice Building
Constitution Avenue between 9th and 10th Streets
Washington, D. C. 20530

Subscribed and sworn to before me
this 21st day of November, 1979.

Barbara A. Keller

Notary public in and for the County
Of Los Angeles and the State Of California

Signed: Dale C Whitney Jr.
DALE C. WHITNEY, JR.

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OFFICIAL SEAL
BARBARA A. KELLER
NOTARY PUBLIC — CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
My Commission Expies May 13, 1983